

## CHAPTER 7

### DONATIONS

#### SECTION:

- 7-7-1: General Information**
- 7-7-2: Requirements for Compliance**
- 7-7-3: Indemnification and Covenant Not to Sue**
- 7-7-4: Appeals**

#### **7-7-1: GENERAL INFORMATION:**

As a condition of approval of a final plat of subdivision, final plat or final site plan for a planned unit development each subdivider or developer shall be required to:

- ! Dedicate land for park and school sites, make a cash contribution in lieu of actual land dedication, or provide a combination of both, and
- ! Make a cash contribution for library purposes to serve the immediate and future need of the residents of the development in accordance with the criteria and formula in this Chapter. All donations required hereunder shall be made prior to, and as a condition of, approval of the subdivision plat by the Village unless otherwise provided for in this Chapter.

All land dedications and cash contributions shall be made by the subdivider or developer upon approval of a final plat or plan by the Corporate Authorities unless otherwise provided for in this Chapter. No plat or plan shall be recorded with the Lake County Recorder of Deeds until said donations have been made in accordance with the provisions of the Chapter.

It is recognized that local conditions change over the years and the variables used in calculating the land dedication and cash contributions may require periodic review and amendment if necessary.

## **7-7-2: REQUIREMENTS FOR COMPLIANCE:**

A. REFERRAL: Upon referral of a subdivision or planned unit development by the Corporate Authorities to the applicable Boards, Commission and Districts for review, the subdivider or developer shall consider one of the following methods for compliance with the terms of this Chapter.

1. Donation Requirements: The subdivider or developer shall agree to make all land dedications and pay all cash contributions as required in this Chapter of the Village Code.
2. Written Agreement: The subdivider or developer shall negotiate the donation and present a written agreement to the Corporate Authorities for consideration.

If the development is determined by the Administrative Staff to be a substantial size and it will be completed in logical phases, the subdivider or developer may petition the Corporate Authorities to allow payment of the cash contribution by phases of development. Said Agreement shall contain the dates and amounts of subsequent payments. The Corporate Authorities may require that sufficient security be deposited with the Village for any such delayed contribution to insure that actual payment is made in sufficient time to meet the impact of the subdivision or planned unit development.

The negotiation of donations may occur between the:

- a. Village of Lincolnshire and Subdivider/Developer: The subdivider or developer shall enter into an Agreement with the Village after a negotiated donation has been presented for consideration whereby the amount of the park, schools, and/or library donations and the date of payment shall be established based on the following:
  - 1) An independent consultant will be selected and retained by the Village at the developer's expense to study the actual impact the proposed development will have on each applicable taxing district and shall include at a minimum:
    - a) A review of each taxing district's capital budget.
    - b) The ability of each taxing district to provide services to new residents at the same level of

service provided to the existing households.

- c) The Capital Improvement Plan for the taxing district.
- d) Any other information the Village may require to make an informed decision.

If the independent study indicates a higher contribution per residential unit than established by the provisions of this Chapter the subdivider or developer may negotiate a settlement with each taxing district provided however, that the negotiated donations are no less than what the requirements of this Chapter.

- b. Taxing District and Subdivider/Developer: The subdivider or developer may negotiate a land dedication, cash contribution or combination of both, with one or more of the taxing districts and present the written agreement to the Corporate Authorities for consideration at the time of final plat/plan approval. The subdivider or developer shall be responsible for obtaining and providing the Village with a separate written confirmation of the agreed final contribution signed by a representative of the individual taxing district.

- B. CONSIDERATION: During consideration of the development proposal the developer or subdivider shall submit written verification that indicates the predominant (50% or more) residence size by bedroom anticipated for the subdivision or planned unit development. This information will be used by the Village to calculate the amount of donations.

The subdivider or developer shall be responsible for making additional cash contributions when the residence size for the number of dwelling units actually constructed in the subdivision or planned unit development *is greater* than the donations made upon approval of the development. The subdivider or developer may file a written appeal for a partial refund of donations when the residence size for the number of dwelling units actually constructed *is less* than that used to calculate the donations.

- C. APPROVAL: Prior to consideration of a final plat of subdivision or planned unit development by the Corporate Authorities, the Plan Commission, Park Board, Site Plan Review Board and School Districts shall make a recommendation regarding whether the donation should be land, cash in-lieu of land, or a

combination of both. The recommending Boards, Commission and Districts shall base their recommendation on the criteria established in the specific regulations of this Chapter.

**7-7-3: INDEMNIFICATION AND COVENANT NOT TO SUE:**

The Village is not obligated to cause the payment of money or the transference of land to School Districts, or other Districts that could benefit from donations made by developers and subdividers. Therefore any School District, Library District and any other District for which donation is collected by the Village for said District's use recognizes that the Village may, at its sole discretion, amend its ordinances or annexation agreements or its practices so as to discontinue the payment of donations to the said District(s), and, as a condition of receiving donations hereunder, agrees to indemnify and hold harmless the Village from any loss, claims, debts, causes of actions or liabilities of every kind incurred by the Village as either a direct or indirect result of the passage of this Chapter, the administration or enforcement thereof, or the failure to administer or enforce the same including any incurred as a result of a lawsuit brought or threatened by any such District. The Village shall undertake the defense against any suit or claim, subject to indemnification and reimbursement of fees and costs from the Districts whose donations are involved or gave rise to the claim or suit. The costs of said defense shall be borne proportionately by all Districts whose donations are involved, concerned or gave rise to the suit or claim, and shall be paid promptly upon billing.

In the event that a final determination is made by a court of competent jurisdiction that contributions of land or money received by the District(s) receiving the donation(s) are, in whole or in part, excessive, the receiving District(s) shall promptly repay to the person who procures such a judgement against the Village or the District(s), together with such other amounts judged by the court to be owing from the Village and/or District(s).

Lincolnshire-Prairie View Elementary District No. 103, Aptakisic-Tripp Elementary School District No. 102, Adlai E. Stevenson High School District No. 125, and the Vernon Area Public Library District further covenant and agree, in addition to the indemnification and reimbursement undertaken herein, not to sue the Village of Lincolnshire for any claim arising directly or indirectly out of the passage of this Chapter or the administration or enforcement thereof, or the failure to administer or enforce the same in return for the Village considering the requirement that developers and subdividers make donations to them.

**7-7-4: APPEALS:**

Within ten days from the receipt of the determination of the amount in donations due under this Chapter from the Village, a subdivider or developer may appeal the amount of the donation(s) in a writing filed with the Village Clerk. The Notice of Appeal must include evidence falling into substantial question the amount(s) determined by the Village to be due. Upon the Notice of Appeal, containing the required showing, and the deposit as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code on account for fees and costs, the Village will retain an independent consultant at the subdividers' or developers' expense, to review the estimated population to be generated from the subdivision or planned unit development, and impact that the proposed development or subdivision will have on the applicable taxing district. The Corporate Authorities retain the authority to make the final determination on the proper amount of donation(s) based on the information supplied with the Notice of Appeal, by the Districts to be benefitted, in the Village records, and by the independent consultants.

A subdivider, developer, and/or taxing district shall have the right to appeal the established Fair Market Value of Land on file with the Village of Lincolnshire. Said appeal shall be determined in the same manner as donations, but the independent consultant shall be qualified as an M.A.I. appraiser.

## CHAPTER 7

### DONATIONS

#### ARTICLE A. SCHOOL DONATIONS

##### SECTION:

- 7-7A-1: General Information**
- 7-7A-2: Variables For Calculation**
- 7-7A-3: Land Dedication Criteria**
- 7-7A-4: Cash Contribution Criteria**
- 7-7A-5: Combination Land Dedication and Cash Contribution Criteria**

##### **7-7A-1: GENERAL INFORMATION:**

The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land dedication, cash contribution, or combination of both required for the school donation.

The school district shall be notified that the Village is considering a residential subdivision or planned unit development by means of an elected school board member representing the district as an ex-officio member of the Lincolnshire Plan Commission, or through correspondence by the Department of Community Development in accordance with the State of Illinois law.

##### **7-7A-2: VARIABLES FOR CALCULATION:**

The land dedication, cash contribution, or combination of both for school donations shall be calculated independently for each school classification identified in this Section: Elementary, Junior High, and High School utilizing the following variables:

- A. **TABLE OF SCHOOL SIZE SITES BY GRADE CLASSIFICATION:** School classifications and size of school sites within the Village shall be determined in accordance with the established criteria in the following table:

<b>Table of School Size Sites by Grade Classification</b>		
School Classification by Grade	Maximum Number of Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site of Such Classification
Elementary Schools, Grades - Kindergarten through 5th (K-5)	600 students	11 acres
Junior High Schools Grades 6th through 8th (6-8)	900 students	29 acres
High Schools, Grades 9th through 12th (9-12)	2,500 students	50 acres

- B. **TABLE OF ULTIMATE SCHOOL POPULATION PER DWELLING UNIT:** The following table of estimated ultimate school populations per dwelling unit is generally indicative of current and short-range projected trends in school population per dwelling unit and shall be used in calculating the amount of required dedication of acres of land or cash contributions. This data shall be used unless a written appeal is filed thereto by the subdivider or developer in accordance with the provisions of this Chapter, or if a Written Agreement otherwise establishes an acceptable dedication or contribution.

In applying the following table of population density to a subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the Village at the time of approval of the subdivision plat, the following types of units and bedroom data shall be used.

<b>Table of Estimated Ultimate School Population Per Dwelling Unit<sup>1</sup></b>			
	<b>Elementary</b> Grades K-5 5-10 Years	<b>Junior High</b> Grades 6-8 11-13 Years	<b>High</b> Grades 9-12 14-17 Years
<b>Detached Single Family</b>			
2 Bedroom	.122	.041	.020
3 Bedroom	.346	.138	.142
4 Bedroom	.470	.303	.303
5 Bedroom	.314	.231	.212
<b>Attached Single Family</b>			
1 Bedroom	0	0	0
2 Bedroom	.095	.077	.037
3 Bedroom	.237	.064	.066
4 Bedroom	.345	.155	.168
<b>Apartments</b>			
Efficiency	0	0	0
1 Bedroom	.002	.001	.001
2 Bedroom	.082	.041	.042
3 Bedroom	.230	.123	.116
<sup>1</sup> Source: Illinois School Consulting Service/Associated Municipal Consultants, Inc.; Naperville, IL, 1993			

C. **FAIR MARKET VALUE OF LAND:** The present fair market value of improved land in and surrounding the Village for one (1) acre of land based on an



appraisal completed by an M.A.I. appraiser shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Said figure shall be used in making any calculation herein.

**7-7A-3: LAND DEDICATION CRITERIA (SCHOOLS):**

- A. FORMULA: The required school land dedication shall be determined in accordance with the formula below based on the established criteria in the "Table of School Size Sites by Grade Classification" and the "Table of Estimated School Population per Dwelling Unit". The end product shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in the number of children for each school classification.

$$\frac{\text{Estimated Ultimate School Population per Dwelling Unit}}{\text{Maximum \# Students for School Classification}} \times \text{Minimum \# Acres of Land Needed for School Classification}$$

- B. LAND CONDITIONS: Land Dedications for school sites shall at a minimum meet the following criteria.
1. Topography and Grading: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes.
  2. Improved Sites: All sites must be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor.
  3. Reservation of Additional Land: Where the Village of Lincolnshire Comprehensive Plan or adopted plan of an applicable school district indicates a larger amount of land for a school site in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the affected school district(s) designated by the Village. Such acquisition shall be made by the school district within one year from the date of approval of the final plat or plan.
  4. Combining with Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, a school site which is to be dedicated should be combined with dedications from

adjoining developments if possible in order to produce usable school site without causing a hardship on a particular developer.

- C. **CRITERIA FOR LOCATION AND DESIGN STANDARDS:** The Comprehensive Plan of the Village or the standards adopted by the affected school district shall be used as a guideline in locating sites.
- D. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** The subdivider or developer shall be responsible for providing the following information to the Village prior to consideration of final approval of a plat or plan.
1. Dedication of land on the Plat of Subdivision or Plat of Dedication.
  2. Title or Warranty Deed transferring the land from the subdivider or developer to the applicable taxing district. Titles shall be shown to be free of all liens, encumbrances, easements, covenants and restrictions or other matters as may impair the ability of the appropriate governmental unit to use the property for its intended purpose as determined by the Corporate Authorities. A commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.
  3. Legal description in an 8-1/2" x 11" format.
- E. **SCHOOL DISTRICT RESPONSIBILITY:** Written acceptance from the school district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of title for the dedicated land.

**7-7A-4: CASH CONTRIBUTION CRITERIA (SCHOOLS):**

The Village shall require the subdivider or developer to pay a cash contribution as provided herein in lieu of the land dedication requirement when:

- ! The subdivision or development is small and the resulting land dedication for school purposes would not meet the criteria set forth in this Chapter, or
- ! The available land is of a nature and/or location inappropriate for a school site as determined by reference to adopted plans of the Village and school district and based on such factors as topography, shape of site, accessibility, proximity to other parks, schools and Municipal services, safety and other environmental and use factors.

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved as specified herein that otherwise would have been dedicated as a school site.

- A. **METHOD OF CALCULATION:** The cash contribution in lieu of school land dedication shall be determined by multiplying the minimum number of acres of land needed for the school classification times the fair market value of one acre of improved land as determined by an M.A.I. appraiser.
- B. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

C. **SCHOOL DISTRICT RESPONSIBILITY:**

1. **Conditions of Acceptance:**

- a. The school district agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code. Specifically, the school district agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing school facility which already services such needs; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event a school district refuses to accept the cash contribution under the established terms and conditions, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the affected school district in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.

- c. The school district agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded to the subdivider or developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.
- 2. Obligations after Acceptance:
  - a. Immediate: Written acceptance from the school district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of the cash contribution.
  - b. Annual: The school district shall annually account to the Director of Financial Systems of the Village for all expenditures made and interest earned from said cash contributions. The annual accounting shall be made within sixty (60) days of the end of the districts fiscal year. Cash contributions will be withheld until said report is received by the Village.

**7-7A-5: COMBINATION LAND DEDICATION AND CASH CONTRIBUTION CRITERIA (SCHOOLS):**

In the event an identified school site is:

- ! Located on more than one development parcel or property, or
- ! Only a portion of the development property is needed to complete a designated school site

A combination of land dedication and cash contribution for a subdivision or planned unit development may be necessary and shall be in accordance with all regulations of this Title, and the following:

**Land Dedication:** That area designated for a school site on the development parcel shall be dedicated.

**Cash Contribution:** The cash contribution shall be based on the difference between the acres of land which will be dedicated for the school site and the total acres required for school site land dedication in the development.

## **CHAPTER 7**

### **DONATIONS**

#### **ARTICLE B. PARK DONATIONS**

##### **SECTION:**

- 7-7B-1: General Information**
- 7-7B-2: Variables For Calculation**
- 7-7B-3: Land Dedication Criteria**
- 7-7B-4: Cash Contribution Criteria**
- 7-7B-5: Combination Land Dedication and Cash Contribution Criteria**

##### **7-7B-1: GENERAL INFORMATION:**

The ultimate population to be generated by a subdivision or planned unit development shall bear directly upon the amount of land dedication, cash contribution, or combination of both required for the park donation.

The Village of Lincolnshire Park Board and Plan Commission shall make a recommendation to the Corporate Authorities based on the criteria set forth in this Chapter as to the preferred park donation. Said recommendation shall be made after full consideration of all adopted plans have been reviewed in the context of accepted site planning, zoning, environmental, maintenance and other issues of concern which will effect the Village in the future.

##### **7-7B-2: VARIABLES FOR CALCULATION:**

The land dedication, cash contribution, or combination of both for the park donation shall be calculated utilizing the following variables:

- A. POPULATION RATIO:** The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population.(Ord. Amd. 08-3012-40, eff 12/10/07)
- B. ULTIMATE POPULATION OF PROPOSED DEVELOPMENT:** The ultimate

population will be determined by multiplying the number of residential units times the mean number of persons per occupied housing unit average in the Village as determined by the latest United States Census Bureau or Special Census statistics on file in the Department of Community Development.

$$\# \text{ Dwelling Units } \times \text{ Mean \# of Persons per Occupied Housing Unit } = \text{Ultimate Population of Proposed Development}$$

- C. FAIR MARKET VALUE OF LAND: The present fair market value of improved land in and surrounding the Village for one (1) acre of land based on an appraisal completed by an M.A.I. appraiser shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Said figure shall be used in making any calculation herein.

### **7-7B-3: LAND DEDICATION CRITERIA (PARKS):**

- A. FORMULA: The required park land dedication shall be determined in accordance with the formula below based on the population ratio and ultimate proposed population of the proposed development. The product shall be the acres of land deemed needed to have sufficient land for park sites to serve the estimated increase of residents from the new development.

$$\frac{\text{Ultimate Population of Proposed Development}}{1,000 \text{ Ultimate Population}} \times 10 \text{ acres} = \# \text{ Acres of Park Land to be dedicated}$$

B. LAND CONDITIONS:

1. Topography: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes.
  - a. Grading: The park site shall be rough graded in accordance with the present Village requirements for final grading and in accordance with grading plans approved by the Village Engineer.
  - b. Drainage: Positive drainage must be insured as indicated on a master drainage plan. The storage of overburden on a park site is prohibited though temporary storage may be granted in some cases provide the terms of such temporary storage have been determined by the Village Engineer.

2. Improved Sites:

Utilities: At the time of installation of public improvements in the subdivision or planned unit development, the subdivider or developer shall install all required public utilities throughout the park site in accordance with the Village approved engineering plans. This work shall be completed prior to acceptance by the Village of the public utilities in the subdivision or planned unit development which includes said park site.

3. Reservation of Additional Land: Where the Comprehensive Plan or the standards of the Village call for a larger amount of park site in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village, provided that such acquisition is made within one year from the date of approval of the final plat.

4. Combining with Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, a park which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable park site without hardship on a particular developer.

C. CRITERIA FOR LOCATION AND DESIGN STANDARDS: The following plans shall be adhered to in determining the location(s) of park sites:

The Village of Lincolnshire Comprehensive Plan  
The Village of Lincolnshire Parks and Open Space Master Plan  
Lake County Open Space Plan  
Northeastern Illinois Open Space Plan  
Lake County Framework Plan  
Des Plaines River Trail Master Plan

Additional guidelines which shall be considered in locating park sites include, but are not limited to, the size of the subdivision, proximity of the site to other parks, schools and Municipal services, topography of the site, shape of the site, accessibility of the site, safety and other environmental and use conditions.

The extent to which the design standards are adhered to will be the basis by which the amount of park site credit will be determined. A reduced amount of park site credit will be granted by the Corporate Authorities should a proposed park site be deficient in one or more of the following park site design standards.

1. Size: The size of a park shall be appropriate to the leisure and recreational needs of the service population as defined by the Village of Lincolnshire Comprehensive Plan and Parks and Open Space Master Plan and shall be consistent with the required donations as set forth in this Chapter.
2. Shape: Park sites should be rectangular or nearly rectangular in shape. An irregular limit of a park may be allowed if defined by a river, lake, pond, rock outcropping, forest, meadow, wetland or other natural feature.
3. Location: Whenever possible park sites shall be located at the geographic center of the service areas. In areas where park sites and/or school sites already exist or have been previously planned, the proposed park donation shall, if possible be located adjacent to or provide appropriate linkage with the existing sites.
4. Access: Access to the park site shall be provided for convenience of pedestrian and vehicular ingress and egress, as well as for visual identity. The minimum required frontage of the park shall be equal to or greater than the longest edge of the park. Any accessway shall be improved with a hard surface walkway eight feet (8') in width constructed to Village specifications. The number of accesses shall vary with the location and type of park site and its relationship to surrounding land uses.
5. Linkage: The linkage of proposed parks with existing parks or with other desirable land uses such as schools, libraries, convenience commercial areas, cultural or institutional centers shall be encouraged. The method of linkage shall include but not be limited to, bike paths and walkways. Land used for linkage purposes shall be included in the calculations of total donation.
6. Grading: Any proposed grading of the park site shall not differ greatly from surrounding land uses. Grades less than two percent (2%) or more than seven percent (7%) will not be acceptable. Exceptions to this may be granted if the developer can show an acceptable secondary use for the grading. Examples are earth berming for visual buffer or aesthetic interest, a sled hill or toboggan run, backstop for special activities and the like. Drainage on the proposed park site shall be such that the site can be used for its intended purpose.
7. Vegetation: The donation of park land shall be planned and designed to minimize impact on vegetation of ecological or aesthetic value. Existing vegetation of value shall be identified by the Village Forester and



protected from damage during the construction process.

Any areas disturbed as a result of construction activity shall be restored to its original condition or in accordance with the Open Space Landscape Standards as determined by the Village. The subdivider or developer shall be responsible for removing invasive and dangerous plant species as required by the Village. The Village shall be given the right to remove/salvage from an area proposed for clearing any desirable plant materials for which the developer has no intended use. The Village will notify the developer of the plant material desired for removal prior to any work commencing on the site and shall remove the plant material within thirty (30) days following the final plan approval.

8. Erosion Control: The developer will be responsible for controlling erosion on the park site until the park site is dedicated to the Village.
9. Water Retention/Detention: Land that is designated for water retention/detention purposes within the area of the proposed development shall not be considered appropriate as a park donation site. However, if suitable recreational uses are shown for land otherwise designated for retention/detention purposes and have been recommended for approval by the Park Board and the Village Engineer as acceptable, then credit may be extended as a park donation site, subject to final approval by the Board of Trustees.
10. Debris: Any accumulated debris on the park site to be dedicated shall be removed by the developer, at developer's expense, prior to acceptance of the land by the Village.

D. SUBDIVIDER OR DEVELOPER RESPONSIBILITY: The subdivider or developer shall be responsible for providing the following information to the Village prior to consideration of final approval of a plat or plan.

1. Dedication of land on the Plat of Subdivision or Plat of Dedication.
2. Title or Warranty Deed transferring the land from the subdivider or developer to the applicable taxing district. Titles shall be shown to be free of all liens, encumbrances, easements, covenants and restrictions or other matters as may impair the ability of the appropriate governmental unit to use the property for its intended purpose as determined by the Corporate Authorities. A commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.

3. Legal description in an 8-1/2" x 11" format.

#### **7-7B-4: CASH CONTRIBUTION CRITERIA (PARKS):**

The Village shall require the subdivider or developer to pay a cash contribution as provided herein in lieu of the land dedication requirement when:

- ! The subdivision or development is small and the resulting land dedication for park purposes would not meet the criteria set forth in this Chapter, or
- ! The available land is of a nature and/or location inappropriate for a park site as determined by reference to adopted plans of the Village and based on such factors as topography, shape of site, accessibility, proximity to other parks, schools and Municipal services, safety and other environmental and use factors.

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved as specified herein that otherwise would have been dedicated as a park site.

- A. **METHOD OF CALCULATION:** The cash contribution in lieu of park land dedication shall be determined by multiplying the required number of acres of park land to be dedicated times the fair market value of one acre of improved land as determined by an M.A.I. appraiser.

- B. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

- C. **VILLAGE RESPONSIBILITY:**

1. **Conditions of Acceptance:**

- a. The Village of Lincolnshire agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code.

Specifically, the Village agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing park facility which already services such needs; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event the Village refuses to accept the cash contribution upon said condition, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the Village in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.
- c. The Village agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded to the developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.

**7-7B-5: COMBINATION LAND DEDICATION AND CASH CONTRIBUTION CRITERIA (PARKS):**

In the event an identified park site is:

- ! Located on more than one development parcel or property, or
- ! Only a portion of the development property is needed to complete a designated park, or
- ! The proposed park site donation is deficient in one or more of the park site design standards resulting in a reduction in the amount of park site credit granted (as determined by the Corporate Authorities)

A combination of land dedication and cash contribution for a subdivision or planned unit development may be necessary and shall be in accordance with all regulations of this Title, and the following:

Land Dedication: That area designated for a park site on the

development parcel shall be dedicated.

Cash Contribution: The cash contribution shall be based on the difference between the acres of land which will be dedicated for the park site and the total acres required for park land dedication in the development.

## CHAPTER 7

### DONATIONS

#### ARTICLE C. LIBRARY DONATIONS

##### SECTION:

- 7-7C-1: General Information**
- 7-7C-2: Variables For Calculation**
- 7-7C-3: Cash Contribution Criteria**

##### **7-7C-1: GENERAL INFORMATION:**

The Corporate Authorities have found that the public interest, convenience, health, welfare and safety requires the continued support of and financial assistance to the Vernon Area Public Library. The ultimate number of families to be generated by a subdivision or planned unit development shall therefore, bear directly on the amount of the library donation.

##### **7-7C-2: VARIABLES FOR CALCULATION:**

The Vernon Area Public Library shall provide the Village of Lincolnshire (Department of Community Development) with a basic level of contribution established by projected capital expenditures directly resulting from new residential construction in the Village, including but not limited to, facility construction, expansion and upgrades; bookmobiles; and additional volumes and equipment added to the collection per year.

##### **7-7C-3: CASH CONTRIBUTION CRITERIA (LIBRARY):**

The Village shall require the subdivider or developer to make a cash contribution for library purposes as provided herein.

- A. **METHOD OF CALCULATION:** The amount of the contribution for each dwelling unit shall be equal to the basic contribution established by the Vernon

Area Public Library District and approved by the Corporate Authorities for the first bedroom, plus 1/2 the basic contribution for each additional bedroom. The basic contribution approved by the Corporate Authorities shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

- B. SUBDIVIDER OR DEVELOPER RESPONSIBILITY: In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

- C. LIBRARY DISTRICT RESPONSIBILITY:

1. Conditions of Acceptance:

- a. The library district agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code. Specifically, the library district agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing library facility which already services such needs; for the acquisition of additional volumes and equipment; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event the library district refuses to accept the cash contribution upon said condition, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the library district in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.
- c. The library district agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded

to the developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.

2. Obligations after Acceptance:

- a. Immediate: Written acceptance from the library district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of the cash contribution.
- b. Annual: The Library District shall annually account to the Director of Financial Systems of the Village for all expenditures made and interest earned from said cash contributions. The annual accounting shall be made within sixty (60) days of the end of the districts fiscal year. Cash contributions will be withheld until said report is received by the Village.(Amend. Ord. 94-1366-50)